

DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 17, 2018

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

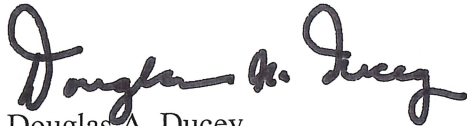
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on April 17, 2018:

HB 2040 pharmacy board; definitions; reporting (Carter)  
HB 2041 pharmacy board; licenses; permits (Carter)  
HB 2065 public meetings; definition; penalties (Leach)  
HB 2125 task force; towing safety (Shope)  
HB 2126 government property; abatement; slum; blight (Leach)  
HB 2249 protective orders; filing requirements (Farnsworth, E.)  
HB 2250 physician assistants; prescribing authority; delegation (Carter)  
HB 2257 radiation regulatory boards; repeal; DHS (Carter)  
HB 2262 condominiums; termination; appraisals (Toma)  
HB 2306 towing companies; insurance companies; owners (Campbell)  
HB 2313 sentencing; monetary obligations; fine mitigation (Farnsworth, E.)  
HB 2322 health insurers; provider credentialing (Carter)  
HB 2327 federal officers; personal information; confidentiality (Farnsworth, E.)  
HB 2334 liquor omnibus (Weninger)  
HB 2411 health professionals; licensure; report (Mosley)  
HB 2521 vehicle size, weight and load (John)  
HB 2549 controlled substances; dosage limit (Carter)  
HB 2550 contractor qualifications; work experience (Toma)  
HB 2558 drug disposal; education (Cobb)  
HB 2588 misrepresentation; service animals (Cook)

HB 2604 limited liability company act; revisions  
SB 1065 commercial vehicles; ports of entry (Brophy McGee)  
SB 1120 tax exemption; special events; nonprofits (Kavanagh)  
SB 1152 education; appropriation; noncustodial federal monies (Allen, S.)  
SB 1218 developmental homes; licensure; investigations (Brophy McGee)  
SB 1264 gift cards; dormancy fee; prohibition (Yarbrough)  
SB 1274 public monies; recovery; illegal payments (Petersen)  
SB 1291 schools; pupil assessment data (Brophy McGee)  
SB 1295 producer fees; insurance (Kavanagh)  
SB 1400 aggravated DUI; sentence; county jail (Smith)  
SB 1450 independent oversight committees; appointment; duties (Barto)

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service



Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 239**

# **HOUSE BILL 2327**

AN ACT

AMENDING SECTIONS 11-483, 11-484, 12-290, 16-153 AND 28-454, ARIZONA  
REVISED STATUTES; RELATING TO PEACE OFFICER'S IDENTIFYING INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-483, Arizona Revised Statutes, is amended to read:

11-483. Records maintained by county recorder;  
confidentiality; definitions

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the county recorder to prohibit access to that person's residential address and telephone number contained in instruments or writings recorded by the county recorder.

B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:

1. The person's full legal name and residential address.

2. The full legal description and parcel number of the person's property.

3. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment or an eligible person who is a participant in the address confidentiality program shall instead attach a copy of the participant's current and valid address confidentiality program authorization card issued pursuant to section 41-163 and a statement of certification provided by the secretary of state's office.

4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that restricting access pursuant to this section will serve to reduce the danger.

5. The document locator number and recording date of each instrument for which the person requests access restriction pursuant to this section.

6. A copy of pages from each instrument that includes the document locator number and the person's full legal name and residential address or full legal name and telephone number.

C. If an eligible person is also requesting pursuant to section 11-484 that the general public be prohibited from accessing records maintained by the county assessor and county treasurer, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to section 11-484 by filing one affidavit. The

1 affidavit and subsequent action by the appropriate authorities shall meet  
2 all of the requirements of this section and section 11-484.

3 D. The affidavit shall be filed with the presiding judge of the  
4 superior court in the county in which the affiant resides. To prevent  
5 multiple filings, an eligible person who is a peace officer, spouse of a  
6 peace officer, spouse or minor child of a deceased peace officer, public  
7 defender, prosecutor, code enforcement officer, corrections or detention  
8 officer, corrections support staff member or law enforcement support staff  
9 member shall deliver the affidavit to the peace officer's commanding  
10 officer, or to the head of the prosecuting, public defender, code  
11 enforcement, law enforcement, corrections or detention agency, as  
12 applicable, or that person's designee, who shall file the affidavits at  
13 one time. In the absence of an affidavit that contains a request for  
14 immediate action and that is supported by facts justifying an earlier  
15 presentation, the commanding officer, or the head of the prosecuting,  
16 public defender, code enforcement, law enforcement, corrections or  
17 detention agency, as applicable, or that person's designee, shall not file  
18 affidavits more often than quarterly.

19 E. On receipt of an affidavit or affidavits, the presiding judge of  
20 the superior court shall file with the clerk of the superior court a  
21 petition on behalf of all requesting affiants. Each affidavit presented  
22 shall be attached to the petition. In the absence of an affidavit that  
23 contains a request for immediate action and that is supported by facts  
24 justifying an earlier consideration, the presiding judge may accumulate  
25 affidavits and file a petition at the end of each quarter.

26 F. The presiding judge of the superior court shall review the  
27 petition and each attached affidavit to determine whether the action  
28 requested by each affiant should be granted. If the presiding judge of  
29 the superior court concludes that the action requested by the affiant will  
30 reduce a danger to the life or safety of the affiant or another person,  
31 the presiding judge of the superior court shall order that the county  
32 recorder prohibit access for five years to the affiant's residential  
33 address and telephone number contained in instruments or writings recorded  
34 by the county recorder and made available on the internet. If the  
35 presiding judge of the superior court concludes that the affiant or  
36 another person is in actual danger of physical harm from a person or  
37 persons with whom the affiant has had official dealings and that action  
38 pursuant to this section will reduce a danger to the life or safety of the  
39 affiant or another person, the presiding judge of the superior court shall  
40 order that the general public be prohibited for five years from accessing  
41 the unique identifier and the recording date contained in indexes of  
42 recorded instruments maintained by the county recorder and identified  
43 pursuant to subsection B of this section.

44 G. On motion to the court, if the presiding judge of the superior  
45 court concludes that an instrument or writing recorded by the county



1 recorder has been redacted or sealed in error, that the original affiant  
2 no longer lives at the address listed in the original affidavit, that the  
3 cause for the original affidavit no longer exists or that temporary access  
4 to the instrument or writing is needed, the presiding judge may  
5 temporarily stay or permanently vacate all or part of the court order  
6 prohibiting public access to the recorded instrument or writing.

7 H. On entry of the court order, the clerk of the superior court  
8 shall file the court order and a copy of the affidavit required by  
9 subsection B of this section with the county recorder. No more than ten  
10 days after the date on which the county recorder receives the court order,  
11 the county recorder shall restrict access to the information as required  
12 by subsection F of this section.

13 I. If the court denies an affiant's request pursuant to this  
14 section, the affiant may request a court hearing. The hearing shall be  
15 conducted by the court in the county where the petition was filed.

16 J. The county recorder shall remove the restrictions on all records  
17 restricted pursuant to this section by January 5 in the year after the  
18 court order expires. The county recorder shall send by mail one notice to  
19 either the former public official, peace officer, spouse of a peace  
20 officer, spouse or minor child of a deceased peace officer, public  
21 defender, prosecutor, code enforcement officer, corrections or detention  
22 officer, corrections support staff member, law enforcement support staff  
23 member or employee of the department of child safety who has direct  
24 contact with families in the course of employment or the employing agency  
25 of a peace officer, public defender, prosecutor, code enforcement officer,  
26 corrections or detention officer, corrections support staff member or law  
27 enforcement support staff member who was granted an order pursuant to this  
28 section of the order's expiration date at least six months before the  
29 expiration date. If the notice is sent to the employing agency, the  
30 employing agency shall immediately notify the person who was granted the  
31 order of the upcoming expiration date. The county recorder may coordinate  
32 with the county assessor and county treasurer to prevent multiple notices  
33 from being sent to the same person.

34 K. To include subsequent recordings in the court order, the  
35 eligible person shall present to the county recorder at the time of  
36 recordation a certified copy of the court order or shall provide to the  
37 county recorder the recording number of the court order. The county  
38 recorder shall ensure that public access shall be restricted pursuant to  
39 subsection A of this section.

40 L. This section shall not be interpreted to restrict access to  
41 public records for the purposes of perfecting a lien pursuant to title 12,  
42 chapter 9, article 2.

43 M. This section does not prohibit access to the records of the  
44 county recorder by parties to the instrument, a law enforcement officer  
45 performing the officer's official duties pursuant to subsection N of this

1 section, a title insurer, a title insurance agent or an escrow agent  
2 licensed by the department of insurance or the department of financial  
3 institutions.

4 N. A law enforcement officer is deemed to be performing the  
5 officer's official duties if the officer provides a subpoena, court order  
6 or search warrant for the records.

7 0. For the purposes of this section:

8 1. "Code enforcement officer" means a person who is employed by a  
9 state or local government and whose duties include performing field  
10 inspections of buildings, structures or property to ensure compliance with  
11 and enforce national, state and local laws, ordinances and codes.

12 2. "Commissioner" means a commissioner of the superior court.

13 3. "Corrections support staff member" means an adult or juvenile  
14 corrections employee who has direct contact with inmates.

15 4. "Eligible person" means a former public official, peace officer,  
16 spouse of a peace officer, spouse or minor child of a deceased peace  
17 officer, justice, judge, commissioner, public defender, prosecutor, code  
18 enforcement officer, adult or juvenile corrections officer, corrections  
19 support staff member, probation officer, member of the board of executive  
20 clemency, law enforcement support staff member, employee of the department  
21 of child safety who has direct contact with families in the course of  
22 employment, national guard member who is acting in support of a law  
23 enforcement agency, person who is protected under an order of protection  
24 or injunction against harassment, person who is a participant in the  
25 address confidentiality program pursuant to title 41, chapter 1, article 3  
26 or firefighter who is assigned to the Arizona counterterrorism center in  
27 the department of public safety.

28 5. "Former public official" means a person who was duly elected or  
29 appointed to Congress, the legislature or a statewide office, who ceased  
30 serving in that capacity and who was the victim of a dangerous offense as  
31 defined in section 13-105 while in office.

32 6. "Indexes" means only those indexes that are maintained by and  
33 located in the office of the county recorder, that are accessed  
34 electronically and that contain information beginning from and after  
35 January 1, 1987.

36 7. "Judge" means a judge or former judge of the United States  
37 district court, the United States court of appeals, the United States  
38 magistrate court, the United States bankruptcy court, the United States  
39 immigration court, the Arizona court of appeals, the superior court or a  
40 municipal court.

41 8. "Justice" means a justice of the United States or Arizona  
42 supreme court or a justice of the peace.

43 9. "Law enforcement support staff member" means a person who serves  
44 in the role of an investigator or prosecutorial assistant in an agency  
45 that investigates or prosecutes crimes, who is integral to the



1 investigation or prosecution of crimes and whose name or identity will be  
2 revealed in the course of public proceedings.

3 10. "Peace officer":

4 (a) Means any person vested by law, or formerly vested by law, with  
5 a duty to maintain public order and make arrests.

6 (b) INCLUDES A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT WHO RESIDES  
7 IN THIS STATE AND WHO HAS THE POWER TO MAKE ARRESTS PURSUANT TO FEDERAL  
8 LAW.

9 11. "Prosecutor" means a county attorney, a municipal prosecutor,  
10 the attorney general or a United States attorney and includes an assistant  
11 or deputy United States attorney, county attorney, municipal prosecutor or  
12 attorney general.

13 12. "Public defender" means a federal public defender, county  
14 public defender, county legal defender or county contract indigent defense  
15 counsel and includes an assistant or deputy federal public defender,  
16 county public defender or county legal defender.

17 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to  
18 read:

19 11-484. Records maintained by county assessor and county  
20 treasurer; redaction; definitions

21 A. Notwithstanding any other provision of this article, in any  
22 county an eligible person may request that the general public be  
23 prohibited from accessing that person's residential address and telephone  
24 number that are contained in instruments, writings and information  
25 maintained by the county assessor and the county treasurer.

26 B. An eligible person may request this action by filing an  
27 affidavit that states all of the following on an application form  
28 developed by the administrative office of the courts in agreement with an  
29 association of counties, an organization of peace officers and the motor  
30 vehicle division of the department of transportation:

31 1. The person's full legal name and residential address.

32 2. The full legal description and parcel number of the person's  
33 property.

34 3. Unless the person is the spouse of a peace officer or the spouse  
35 or minor child of a deceased peace officer or the person is a former  
36 public official or former judge, the position the person currently holds  
37 and a description of the person's duties, except that an eligible person  
38 who is protected under an order of protection or injunction against  
39 harassment shall attach a copy of the order of protection or injunction  
40 against harassment or an eligible person who is a participant in the  
41 address confidentiality program shall instead attach a copy of the  
42 participant's current and valid address confidentiality program  
43 authorization card issued pursuant to section 41-163 and a statement of  
44 certification provided by the secretary of state's office.

1           4. The reasons the person reasonably believes that the person's  
2 life or safety or that of another person is in danger and that redacting  
3 the residential address and telephone number will serve to reduce the  
4 danger.

5           C. If an eligible person is also requesting pursuant to section  
6 11-483 that the general public be prohibited from accessing records  
7 maintained by the county recorder, the eligible person may combine the  
8 request pursuant to subsection B of this section with the request pursuant  
9 to section 11-483 by filing one affidavit. The affidavit and subsequent  
10 action by the appropriate authorities shall meet all of the requirements  
11 of this section and section 11-483.

12           D. The affidavit shall be filed with the presiding judge of the  
13 superior court in the county in which the affiant resides. To prevent  
14 multiple filings, an eligible person who is a peace officer, spouse of a  
15 peace officer, spouse or minor child of a deceased peace officer, public  
16 defender, prosecutor, code enforcement officer, corrections or detention  
17 officer, corrections support staff member or law enforcement support staff  
18 member shall deliver the affidavit to the peace officer's commanding  
19 officer, or to the head of the prosecuting, public defender, code  
20 enforcement, law enforcement, corrections or detention agency, as  
21 applicable, or that person's designee, who shall file the affidavits at  
22 one time. In the absence of an affidavit that contains a request for  
23 immediate action and that is supported by facts justifying an earlier  
24 presentation, the commanding officer, or the head of the prosecuting,  
25 public defender, code enforcement, law enforcement, corrections or  
26 detention agency, as applicable, or that person's designee, shall not file  
27 affidavits more often than quarterly.

28           E. On receipt of an affidavit or affidavits, the presiding judge of  
29 the superior court shall file with the clerk of the superior court a  
30 petition on behalf of all requesting affiants. Each affidavit presented  
31 shall be attached to the petition. In the absence of an affidavit that  
32 contains a request for immediate action and that is supported by facts  
33 justifying an earlier consideration, the presiding judge may accumulate  
34 affidavits and file a petition at the end of each quarter.

35           F. The presiding judge of the superior court shall review the  
36 petition and each attached affidavit to determine whether the action  
37 requested by each affiant should be granted. If the presiding judge of  
38 the superior court concludes that the action requested by the affiant will  
39 reduce a danger to the life or safety of the affiant or another person,  
40 the presiding judge of the superior court shall order the redaction of the  
41 affiant's residential address and telephone number that are contained in  
42 instruments, writings and information maintained by the county assessor  
43 and the county treasurer. The redaction shall be in effect for five  
44 years.



1           G. On motion to the court, if the presiding judge of the superior  
2 court concludes that an instrument or writing maintained by the county  
3 assessor or the county treasurer has been redacted or sealed in error,  
4 that the original affiant no longer lives at the address listed in the  
5 original affidavit, that the cause for the original affidavit no longer  
6 exists or that temporary access to the instrument or writing is needed,  
7 the presiding judge may temporarily stay or permanently vacate all or part  
8 of the court order prohibiting public access to the instrument or writing.

9           H. On entry of the court order, the clerk of the superior court  
10 shall file the court order and a copy of the affidavit required by  
11 subsection B of this section with the county assessor and the county  
12 treasurer. No more than ten days after the date on which the county  
13 assessor and the county treasurer receive the court order, the county  
14 assessor and the county treasurer shall restrict access to the information  
15 as required by subsection F of this section.

16           I. If the court denies an affiant's request pursuant to this  
17 section, the affiant may request a court hearing. The hearing shall be  
18 conducted by the court in the county where the petition was filed.

19           J. The county assessor and the county treasurer shall remove the  
20 restrictions on all records that are redacted pursuant to this section by  
21 January 5 in the year after the court order expires. The county assessor  
22 or the county treasurer shall send by mail one notice to either the former  
23 public official, peace officer, spouse of a peace officer, spouse or minor  
24 child of a deceased peace officer, public defender, prosecutor, code  
25 enforcement officer, corrections or detention officer, corrections support  
26 staff member, law enforcement support staff member or employee of the  
27 department of child safety who has direct contact with families in the  
28 course of employment or the employing agency of a peace officer, public  
29 defender, prosecutor, code enforcement officer, corrections or detention  
30 officer, corrections support staff member or law enforcement support staff  
31 member who was granted an order pursuant to this section of the order's  
32 expiration date at least six months before the expiration date. If the  
33 notice is sent to the employing agency, the employing agency shall  
34 immediately notify the person who was granted the order of the upcoming  
35 expiration date. The county assessor or county treasurer may coordinate  
36 with the county recorder to prevent multiple notices from being sent to  
37 the same person.

38           K. For the purposes of this section:

39           1. "Code enforcement officer" means a person who is employed by a  
40 state or local government and whose duties include performing field  
41 inspections of buildings, structures or property to ensure compliance with  
42 and enforce national, state and local laws, ordinances and codes.

43           2. "Commissioner" means a commissioner of the superior court.

44           3. "Corrections support staff member" means an adult or juvenile  
45 corrections employee who has direct contact with inmates.

1           4. "Eligible person" means a former public official, peace officer,  
2 spouse of a peace officer, spouse or minor child of a deceased peace  
3 officer, justice, judge, commissioner, public defender, prosecutor, code  
4 enforcement officer, adult or juvenile corrections officer, corrections  
5 support staff member, probation officer, member of the board of executive  
6 clemency, law enforcement support staff member, employee of the department  
7 of child safety who has direct contact with families in the course of  
8 employment, national guard member who is acting in support of a law  
9 enforcement agency, person who is protected under an order of protection  
10 or injunction against harassment, person who is a participant in the  
11 address confidentiality program pursuant to title 41, chapter 1, article  
12 3, or firefighter who is assigned to the Arizona counterterrorism center  
13 in the department of public safety.

14           5. "Former public official" means a person who was duly elected or  
15 appointed to Congress, the legislature or a statewide office, who ceased  
16 serving in that capacity and who was the victim of a dangerous offense as  
17 defined in section 13-105 while in office.

18           6. "Judge" means a judge or former judge of the United States  
19 district court, the United States court of appeals, the United States  
20 magistrate court, the United States bankruptcy court, the United States  
21 immigration court, the Arizona court of appeals, the superior court or a  
22 municipal court.

23           7. "Justice" means a justice of the United States or Arizona  
24 supreme court or a justice of the peace.

25           8. "Law enforcement support staff member" means a person who serves  
26 in the role of an investigator or prosecutorial assistant in an agency  
27 that investigates or prosecutes crimes, who is integral to the  
28 investigation or prosecution of crimes and whose name or identity will be  
29 revealed in the course of public proceedings.

30           9. "Peace officer":

31           (a) Means any person vested by law, or formerly vested by law, with  
32 a duty to maintain public order and make arrests.

33           (b) INCLUDES A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT WHO RESIDES  
34 IN THIS STATE AND WHO HAS THE POWER TO MAKE ARRESTS PURSUANT TO FEDERAL  
35 LAW.

36           10. "Prosecutor" means a county attorney, a municipal prosecutor,  
37 the attorney general or a United States attorney and includes an assistant  
38 or deputy United States attorney, county attorney, municipal prosecutor or  
39 attorney general.

40           11. "Public defender" means a federal public defender, county  
41 public defender, county legal defender or county contract indigent defense  
42 counsel and includes an assistant or deputy federal public defender,  
43 county public defender or county legal defender.



1       Sec. 3. Section 12-290, Arizona Revised Statutes, is amended to  
2 read:

3       12-290. Peace officer identifying information; superior court  
4           records; confidentiality; definitions

5       A. A peace officer who believes that the life or safety of the  
6 officer or another person is in danger and that restricting access to the  
7 officer's personal identifying information will serve to reduce the danger  
8 may request that the general public be prohibited from accessing superior  
9 court records maintained by the clerk of the superior court that contain  
10 the peace officer's personal identifying information.

11       B. ~~An eligible person~~ A PEACE OFFICER may request this action by  
12 filing an affidavit in each case in the superior court of the county that  
13 contains the personal identifying information requesting that the court  
14 order the general public be prohibited from accessing records that contain  
15 the personal identifying information. Each affidavit shall contain the  
16 officer's personal identifying information and any other information  
17 required by the court.

18       C. To prevent multiple filings, ~~an eligible person~~ A PEACE OFFICER  
19 shall deliver the affidavit to the peace officer's commanding officer, or  
20 ~~that person's~~ THE COMMANDING OFFICER'S designee, who shall file the  
21 affidavits at one time. In the absence of an affidavit that contains a  
22 request for immediate action and that is supported by facts justifying an  
23 earlier presentation, the commanding officer, or ~~that person's~~ THE  
24 COMMANDING OFFICER'S designee, shall not file affidavits more often than  
25 quarterly.

26       D. If the court finds that the life or safety of the officer or  
27 another person is in danger and that restricting access to records that  
28 contain the officer's personal identifying information will serve to  
29 reduce the danger the court shall grant the petition and restrict access  
30 as necessary.

31       E. The supreme court shall ~~promulgate~~ ADOPT rules to implement this  
32 section.

33       F. For the purposes of this section:

34       1. "Peace officer":

35       (a) Has the same meaning prescribed in section 1-215.

36       (b) INCLUDES A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT WHO RESIDES  
37 IN THIS STATE AND WHO HAS THE POWER TO MAKE ARRESTS PURSUANT TO FEDERAL  
38 LAW.

39       2. "Personal identifying information" means the officer's  
40 residential address, telephone number and contact information as stated in  
41 the records.



1       Sec. 4. Section 16-153, Arizona Revised Statutes, is amended to  
2 read:

3       16-153. Voter registration; confidentiality; definitions

4       A. Eligible persons, and any other registered voter who resides at  
5 the same residence address as the eligible person, may request that the  
6 general public be prohibited from accessing the residential address,  
7 telephone number and voting precinct number contained in their voter  
8 registration record.

9       B. Eligible persons may request this action by filing an affidavit  
10 that states all of the following on an application form developed by the  
11 administrative office of the courts in agreement with an association of  
12 counties and an organization of peace officers:

13       1. The person's full legal name, residential address and date of  
14 birth.

15       2. Unless the person is the spouse of a peace officer or the spouse  
16 or minor child of a deceased peace officer or the person is a former  
17 public official or former judge, the position the person currently holds  
18 and a description of the person's duties, except that an eligible person  
19 who is protected under an order of protection or injunction against  
20 harassment shall instead attach a copy of the order of protection or  
21 injunction against harassment.

22       3. The reasons for reasonably believing that the person's life or  
23 safety or that of another person is in danger and that sealing the  
24 residential address, telephone number and voting precinct number of the  
25 person's voting record will serve to reduce the danger.

26       C. The affidavit shall be filed with the presiding judge of the  
27 superior court in the county in which the affiant resides. To prevent  
28 multiple filings, an eligible person who is a peace officer, prosecutor,  
29 public defender, code enforcement officer, corrections or detention  
30 officer, corrections support staff member or law enforcement support staff  
31 member shall deliver the affidavit to the peace officer's commanding  
32 officer, or to the head of the prosecuting, public defender, code  
33 enforcement, law enforcement, corrections or detention agency, as  
34 applicable, or that person's designee, who shall file the affidavits at  
35 one time. In the absence of an affidavit that contains a request for  
36 immediate action and is supported by facts justifying an earlier  
37 presentation, the commanding officer, or the head of the prosecuting,  
38 public defender, code enforcement, law enforcement, corrections or  
39 detention agency, as applicable, or that person's designee, shall not file  
40 affidavits more often than quarterly.

41       D. On receipt of an affidavit or affidavits, the presiding judge of  
42 the superior court shall file with the clerk of the superior court a  
43 petition on behalf of all requesting affiants. The petition shall have  
44 attached each affidavit presented. In the absence of an affidavit that  
45 contains a request for immediate action and that is supported by facts

1 justifying an earlier consideration, the presiding judge may accumulate  
2 affidavits and file a petition at the end of each quarter.

3 E. The presiding judge of the superior court shall review the  
4 petition and each attached affidavit to determine whether the action  
5 requested by each affiant should be granted. The presiding judge of the  
6 superior court shall order the sealing for five years of the information  
7 contained in the voter record of the affiant and, on request, any other  
8 registered voter who resides at the same residence address if the  
9 presiding judge concludes that this action will reduce a danger to the  
10 life or safety of the affiant.

11 F. The recorder shall remove the restrictions on all voter records  
12 submitted pursuant to subsection E of this section by January 5 in the  
13 year after the court order expires. The county recorder shall send by  
14 mail one notice to either the former public official, peace officer,  
15 spouse of a peace officer, spouse or minor child of a deceased peace  
16 officer, public defender, prosecutor, code enforcement officer,  
17 corrections or detention officer, corrections support staff member, law  
18 enforcement support staff member or employee of the department of child  
19 safety who has direct contact with families in the course of employment or  
20 the employing agency of a peace officer, public defender, prosecutor, code  
21 enforcement officer, corrections or detention officer, corrections support  
22 staff member or law enforcement support staff member who was granted an  
23 order pursuant to this section of the order's expiration date at least six  
24 months before the expiration date. If the notice is sent to the employing  
25 agency, the employing agency shall immediately notify the person who was  
26 granted the order of the upcoming expiration date. The county recorder  
27 may coordinate with the county assessor and county treasurer to prevent  
28 multiple notices from being sent to the same person.

29 G. On entry of the court order, the clerk of the superior court  
30 shall file the court order with the county recorder. On receipt of the  
31 court order the county recorder shall seal the voter registration of the  
32 persons listed in the court order no later than one hundred twenty days  
33 from the date of receipt of the court order. To include a subsequent  
34 voter registration in the court order, a person listed in the court order  
35 shall present to the county recorder at the time of registration a  
36 certified copy of the court order or shall provide the county recorder the  
37 recording number of the court order. The information in the registration  
38 shall not be disclosed and is not a public record.

39 H. If the court denies an affiant's requested sealing of the voter  
40 registration record, the affiant may request a court hearing. The hearing  
41 shall be conducted by the court where the petition was filed.

42 I. On motion to the court, if the presiding judge of the superior  
43 court concludes that a voter registration record has been sealed in error  
44 or that the cause for the original affidavit no longer exists, the



1 presiding judge may vacate the court order prohibiting public access to  
2 the voter registration record.

3 J. On request by a person who is protected under an order of  
4 protection or injunction against harassment and presentation of an order  
5 of protection issued pursuant to section 13-3602, an injunction against  
6 harassment issued pursuant to section 12-1809 or an order of protection or  
7 injunction against harassment issued by a court in another state or a  
8 program participant in the address confidentiality program pursuant to  
9 title 41, chapter 1, article 3, the county recorder shall seal the voter  
10 registration record of the person who is protected and, on request, any  
11 other registered voter who resides at the residence address of the  
12 protected person. The record shall be sealed no later than one hundred  
13 twenty days from the date of receipt of the court order. The information  
14 in the registration shall not be disclosed and is not a public record.

15 K. For the purposes of this section:

16 1. "Code enforcement officer" means a person who is employed by a  
17 state or local government and whose duties include performing field  
18 inspections of buildings, structures or property to ensure compliance with  
19 and enforce national, state and local laws, ordinances and codes.

20 2. "Commissioner" means a commissioner of the superior court.

21 3. "Corrections support staff member" means an adult or juvenile  
22 corrections employee who has direct contact with inmates.

23 4. "Eligible person" means a former public official, peace officer,  
24 spouse of a peace officer, spouse or minor child of a deceased peace  
25 officer, ~~border patrol agent~~, justice, judge, commissioner, public  
26 defender, prosecutor, code enforcement officer, adult or juvenile  
27 corrections officer, corrections support staff member, probation officer,  
28 member of the board of executive clemency, law enforcement support staff  
29 member, employee of the department of child safety who has direct contact  
30 with families in the course of employment, national guard member who is  
31 acting in support of a law enforcement agency, person who is protected  
32 under an order of protection or injunction against harassment or  
33 firefighter who is assigned to the Arizona counterterrorism center in the  
34 department of public safety.

35 5. "Former public official" means a person who was duly elected or  
36 appointed to Congress, the legislature or a statewide office, who ceased  
37 serving in that capacity and who was the victim of a dangerous offense as  
38 defined in section 13-105 while in office.

39 6. "Judge" means a judge or former judge of the United States  
40 district court, the United States court of appeals, the United States  
41 magistrate court, the United States bankruptcy court, the United States  
42 immigration court, the Arizona court of appeals, the superior court or a  
43 municipal court.

44 7. "Justice" means a justice of the United States or Arizona  
45 supreme court or a justice of the peace.

1       8. "Law enforcement support staff member" means a person who serves  
2 in the role of an investigator or prosecutorial assistant in an agency  
3 that investigates or prosecutes crimes, who is integral to the  
4 investigation or prosecution of crimes and whose name or identity will be  
5 revealed in the course of public proceedings.

6       9. "PEACE OFFICER":

7       (a) HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

8       (b) INCLUDES A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT WHO RESIDES  
9 IN THIS STATE AND WHO HAS THE POWER TO MAKE ARRESTS PURSUANT TO FEDERAL  
10 LAW.

11       ~~9.~~ 10. "Prosecutor" means a United States attorney, a county  
12 attorney, a municipal prosecutor or the attorney general and includes an  
13 assistant or deputy United States attorney, county attorney, municipal  
14 prosecutor or attorney general.

15       ~~10.~~ 11. "Public defender" means a federal public defender, county  
16 public defender, county legal defender or county contract indigent defense  
17 counsel and includes an assistant or deputy federal public defender,  
18 county public defender or county legal defender.

19       Sec. 5. Section 28-454, Arizona Revised Statutes, is amended to  
20 read:

21       28-454. Records maintained by department of transportation;  
22 redaction; definitions

23       A. Notwithstanding sections 28-447 and 28-455, an eligible person  
24 may request that persons be prohibited from accessing the eligible  
25 person's residential address and telephone number contained in any record  
26 maintained by the department.

27       B. An eligible person may request this action by filing an  
28 affidavit that states all of the following on an application form  
29 developed by the administrative office of the courts in agreement with an  
30 association of counties, an organization of peace officers and the  
31 department:

32       1. The person's full legal name and residential address.

33       2. Unless the person is the spouse of a peace officer or the spouse  
34 or minor child of a deceased peace officer or the person is a former  
35 public official or former judge, the position the person currently holds  
36 and a description of the person's duties, except that an eligible person  
37 who is protected under an order of protection or injunction against  
38 harassment shall attach a copy of the order of protection or injunction  
39 against harassment.

40       3. The reasons the person reasonably believes that the person's  
41 life or safety or that of another person is in danger and that redacting  
42 the residential address and telephone number from the department's public  
43 records will serve to reduce the danger.

44       C. The affidavit shall be filed with the presiding judge of the  
45 superior court in the county in which the affiant resides. To prevent



1 multiple filings, an eligible person who is a peace officer, spouse of a  
2 peace officer, spouse or minor child of a deceased peace officer,  
3 prosecutor, code enforcement officer, corrections or detention officer,  
4 corrections support staff member or law enforcement support staff member  
5 shall deliver the affidavit to the peace officer's commanding officer, or  
6 to the head of the prosecuting, code enforcement, law enforcement,  
7 corrections or detention agency, as applicable, or that person's designee,  
8 who shall file the affidavits at one time. In the absence of an affidavit  
9 that contains a request for immediate action and that is supported by  
10 facts justifying an earlier presentation, the commanding officer, or the  
11 head of the prosecuting, code enforcement, law enforcement, corrections or  
12 detention agency, as applicable, or that person's designee, shall not file  
13 affidavits more often than quarterly.

14 D. On receipt of an affidavit or affidavits, the presiding judge of  
15 the superior court shall file with the clerk of the superior court a  
16 petition on behalf of all requesting affiants. Each affidavit presented  
17 shall be attached to the petition. In the absence of an affidavit that  
18 contains a request for immediate action and that is supported by facts  
19 justifying an earlier consideration, the presiding judge may accumulate  
20 affidavits and file a petition at the end of each quarter.

21 E. The presiding judge of the superior court shall review the  
22 petition and each attached affidavit to determine whether the action  
23 requested by each affiant should be granted. The presiding judge of the  
24 superior court shall order the redaction of the residence address and  
25 telephone number from the public records maintained by the department if  
26 the judge concludes that this action will reduce a danger to the life or  
27 safety of the affiant or another person.

28 F. On entry of the court order, the clerk of the superior court  
29 shall file the court order with the department. No more than one hundred  
30 fifty days after the date the department receives the court order, the  
31 department shall redact the residence addresses and telephone numbers of  
32 the affiants listed in the court order from the public records of the  
33 department. The residence addresses and telephone numbers shall not be  
34 disclosed and are not part of a public record.

35 G. If the court denies an affiant's request pursuant to this  
36 section, the affiant may request a court hearing. The hearing shall be  
37 conducted by the court in the county where the petition was filed.

38 H. On motion to the court, if the presiding judge of the superior  
39 court concludes that a residential address or telephone number has been  
40 sealed in error or that the cause for the original affidavit no longer  
41 exists, the presiding judge may vacate the court order prohibiting public  
42 access to the residential address or telephone number.

43 I. Notwithstanding sections 28-447 and 28-455, the department shall  
44 not release a photograph of a peace officer if the peace officer has made  
45 a request as prescribed in this section that persons be prohibited from



1 accessing the peace officer's residential address and telephone number in  
2 any record maintained by the department.

3 J. This section does not prohibit the use of a peace officer's  
4 photograph that is either:

5 1. Used by a law enforcement agency to assist a person who has a  
6 complaint against an officer to identify the officer.

7 2. Obtained from a source other than the department.

8 K. For the purposes of this section:

9 1. "Code enforcement officer" means a person who is employed by a  
10 state or local government and whose duties include performing field  
11 inspections of buildings, structures or property to ensure compliance with  
12 and enforce national, state and local laws, ordinances and codes.

13 2. "Corrections support staff member" means an adult or juvenile  
14 corrections employee who has direct contact with inmates.

15 3. "Eligible person" means a former public official, peace officer,  
16 spouse of a peace officer, spouse or minor child of a deceased public  
17 officer, justice, judge or former judge, commissioner, public defender,  
18 prosecutor, code enforcement officer, adult or juvenile corrections  
19 officer, corrections support staff member, probation officer, member of  
20 the board of executive clemency, law enforcement support staff member,  
21 employee of the department of child safety who has direct contact with  
22 families in the course of employment, national guard member who is acting  
23 in support of a law enforcement agency, person who is protected under an  
24 order of protection or injunction against harassment or firefighter who is  
25 assigned to the Arizona counterterrorism center in the department of  
26 public safety.

27 4. "Former public official" means a person who was duly elected or  
28 appointed to Congress, the legislature or a statewide office, who ceased  
29 serving in that capacity and who was the victim of a dangerous offense as  
30 defined in section 13-105 while in office.

31 5. "Law enforcement support staff member" means a person who serves  
32 in the role of an investigator or prosecutorial assistant in an agency  
33 that investigates or prosecutes crimes, who is integral to the  
34 investigation or prosecution of crimes and whose name or identity will be  
35 revealed in the course of public proceedings.

36 6. "PEACE OFFICER":

37 (a) HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

38 (b) INCLUDES A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT WHO RESIDES  
39 IN THIS STATE AND WHO HAS THE POWER TO MAKE ARRESTS PURSUANT TO FEDERAL  
40 LAW.

41 ~~6.~~ 7. "Prosecutor" means a county attorney, a municipal prosecutor  
42 or the attorney general and includes an assistant or deputy county  
43 attorney, municipal prosecutor or attorney general.

**APPROVED BY THE GOVERNOR APRIL 17, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018**

Passed the House February 21, 20 18

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

☐ Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate April 4, 20 18

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2327

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 11, 20 18,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House  
Jim Duabe  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11<sup>th</sup> day of April, 20 18

at 1:37 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 17<sup>th</sup> day of

April, 20 18,

at 10:47 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2327

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 20 18,

at 5:21 o'clock P. M.

[Signature]  
Secretary of State